

107TH CONGRESS  
1ST SESSION

# H. R. 3536

To clarify authority of States to establish licensing and training programs for new positions and categories of nursing assistants to relieve the shortage of nurses and the availability of medicare funding for such new positions and categories.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2001

Mr. CLEMENT introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To clarify authority of States to establish licensing and training programs for new positions and categories of nursing assistants to relieve the shortage of nurses and the availability of medicare funding for such new positions and categories.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nursing Shortage  
5 State Response Act of 2001”.

1 **SEC. 2. CLARIFICATION OF STATE AUTHORITY REGARDING**  
2 **PROGRAMS TO RELIEVE SHORTAGE OF**  
3 **NURSES.**

4 (a) IN GENERAL.—Nothing in the provisions of the  
5 Social Security Act shall be construed as preventing a  
6 State from creating new positions and categories of nurs-  
7 ing assistant workers in order to relieve the current short-  
8 age of nursing staff and from permitting payment to be  
9 made under titles XVIII and XIX of such Act insofar as  
10 such new workers are performing tasks that, if performed  
11 by a nurse, would be reimbursable under such title.

12 (b) MEDICARE AND MEDICAID PAYMENT POLI-  
13 CIES.—Notwithstanding any other provision of law, inso-  
14 far as payment may be made under title XVIII or XIX  
15 of the Social Security Act with respect to—

16 (1) services of a registered or licensed nurse in  
17 the administration of medications and other author-  
18 ized treatment, if such administration or treatment  
19 is performed by a trained medication aide who is li-  
20 censed or authorized under State law to assist such  
21 nurses in such administration or treatment, payment  
22 may be made under such title with respect to such  
23 services of the aide instead of payment that would  
24 otherwise have been made if the nurse had provided  
25 such services; and

1           (2) services of a certified nursing assistant with  
2       specific nursing-related tasks relating to activities of  
3       daily living, such as feeding and hydration, relating  
4       to mobility, or relating to other specific tasks, such  
5       as the distribution of fresh water, bed making, and  
6       initial call light response, if such tasks are per-  
7       formed by a trained resident assistant aide who is  
8       licensed or authorized under State law to extend the  
9       services of such assistants with respect to such  
10      tasks, payment may be made under such title with  
11      respect to such services of the nursing assistant in-  
12      stead of the payment that would otherwise have been  
13      made if the certified nursing assistant had provided  
14      such services.

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